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# Report of the Special Rapporteur on the human rights of migrants on his mission to Greece

## Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on the human rights of migrants, François Crépeau, on his follow-up visit to Greece from 12 to 16 May 2016.

The Special Rapporteur met with government representatives, civil society organizations, the National Commission for Human Rights and the Ombudsperson, as well as with migrants themselves, including in detention centres and informal camps.

The Special Rapporteur recognizes progress made on law and policies directed at managing migration and at border management.

As Greece is the custodian of an external European Union border, the Special Rapporteur recommends that the Government of Greece and the European Union institutions develop durable human rights-based solutions for migrants and asylum seekers in Greece, including on the important issue of border management, and adopt strategic long-term migration and mobility policies in accordance with international human rights law.

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# Report of the Special Rapporteur on the human rights of migrants on his mission to Greece*

## I. Introduction

1. From 12 to 16 May 2016, the Special Rapporteur on the human rights of migrants conducted an official follow-up visit to Greece, at the invitation of the Government. The mission was carried out in the context of follow-up to the Special Rapporteur's year-long study on the management of the external borders of the European Union and its impact on the human rights of migrants (A/HRC/23/46), which included a mission to Greece (A/HRC/23/46/Add.4), and of his thematic report on European Union border management (A/HRC/29/36).

2. In September 2014, the Human Rights Council, through presidential statement 27/3, requested the Special Rapporteur to pay particular attention to the protection of migrants at sea. Consequently, the present report is focused on external border control and does not provide a comprehensive overview of the broader human rights situation of all migrants in Greece. The visit gave the Special Rapporteur the opportunity to assess the progress made, as well as the obstacles and challenges that remain, in protecting and promoting the rights of migrants in the Euro-Mediterranean region.

3. The Special Rapporteur visited Athens, Idomeni and Polykastro in Central Macedonia, as well as the Aegean islands of Samos and Lesvos. He met with State officials at the national and local levels, international organizations, European Border and Coast Guard Agency (Frontex) officials, civil society organizations and migrants themselves. He also visited several places of detention and official and unofficial camps, namely Polykastro Police Station, the unofficial camp in Idomeni, the Vathy Reception and Identification Centre in Samos, the Elliniko Pre-Removal Centre for Migrant Women at Elliniko Police Station, the camp in the Olympic stadium of Elliniko, and the Moria Reception and Identification Centre in Lesvos.

4. The Special Rapporteur expresses his sincere appreciation for the cooperation extended to him by the Government prior to, throughout and after the visit. He also thanks the Office of the United Nations High Commissioner for Refugees (UNHCR) and civil society organizations for their valuable contributions.

## II. General background: migration and border management in Greece

5. In the past two years, Greece has been the main entry point for irregular migrants coming to Europe. More than 900,000 migrants arrived in Greece in 2015, of whom 93 per cent arrived by sea.[1]

6. Most of those migrants intended to transit through Greece and travel towards northern Europe. When the former Yugoslav Republic of Macedonia decided to close its border with Greece, more than 10,000 migrants got stuck at the border in Idomeni. Another 35,000 migrant women, men and children were living in open reception facilities or in unofficial camps throughout the Greek mainland.[2]

7. The first reception and identification centre started operations in March 2013 at the Greek-Turkish border region in Evros. Greece built five additional reception and

* Circulated in the language of submission only.

[1] International Organization for Migration, "Global migration trends factsheet 2015", available from https://publications.iom.int/system/files/global_migration_trends_2015_factsheet.pdf.

[2] UNHCR, "Daily map indicating capacity and occupancy, as of 16 May 2016", available from https://data2.unhcr.org/en/documents/download/47586.

identification centres on five Greek Aegean islands between October 2015 and March 2016, four of which were functioning at the time of the visit.

8. Additionally, with the European Union-Turkey statement of 18 March 2016 (discussed in detail in paras. 28-30 below) having been implemented, migrants arriving on the islands after 20 March 2016 have had only two options: to apply for asylum or to be returned to Turkey. This has resulted in 90 per cent of migrants trying to apply for asylum in Greece. The situation has stretched the capacity of the Greek Asylum Service and has led to a complicated system of registration and pre-registration.

9. Following the European Union-Turkey statement, migrants were no longer transferred from the Greek islands to the mainland, resulting in overcrowded situations in the reception and identification centres on the islands, with migrants often lacking access to sanitary facilities, medicine, adequate shelter and food.

10. Even though the Greek system was not prepared to host and process such large numbers of migrants, it has shown real resolve — during a time of imposed financial austerity — in putting in place a principled response to assist all irregular migrants arriving. However, going forward, the country needs a strategic long-term plan to guide all response efforts: one that respects the international obligations of Greece and the human rights of all people in its territory. Despite the pressure on Greece to return all migrants arriving irregularly on the Greek islands after 20 March 2016, and with the exception of two incidents where an investigation has been ordered, the Special Rapporteur was informed that none of the approximatively 25,000 people who have arrived since have been returned to Turkey in violation of the principle of non-refoulement.

## A. Normative and institutional framework for the protection of the human rights of migrants

11. In this section, the Special Rapporteur discusses the legal framework that has been developed since his previous country visit to Greece.

### 1. International legal framework

12. On 11 February 2014, Greece ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, designating the Greek Ombudsperson as the national preventive mechanism.

### 2. Regional legal framework

13. The European Union's acquis on migration and asylum is applicable to Greece as a European Union Member State, and Greece has undertaken the necessary legal reforms to transpose relevant European Union directives. Greece is also a part of the Schengen area, which provides for the strengthening of external border controls and eliminates internal border controls. As a Member State of the European Union, Greece has an obligation to respect the Charter of Fundamental Rights of the European Union when implementing European Union law. As a member of the Council of Europe, Greece has ratified the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights).

14. Because of two judgments of the European Court of Human Rights and the European Court of Justice,[3] European Union Member States suspended transfers to Greece under the Dublin II Regulation. The Special Rapporteur welcomed the decision on the suspension of transfers and strongly urges the European Union Member States to refrain from returning any asylum seekers to Greece, as the procedural and capacity facilities are already stretched to their limit.

[3] *M.S.S. v. Belgium and Greece*, European Court of Human Rights, No. 30696/09, 21 January 2011, and *N.S. and M.E. and others*, C-411/10 and C-493/10, European Court of Justice, 21 December 2011.

15. Since publication of the last report (A/HRC/23/46/Add.4), the European Court of Human Rights has handed down the following judgments concerning Greece:

16. In *Sharifi and others v. Italy and Greece*,[4] the European Court of Human Rights found that it was for the refouling State to assure that the receiving State offers sufficient guarantees that an individual will not be removed without an assessment of the risks faced in his or her country of origin.

17. In its judgment in *B.A.C. v. Greece*,[5] the European Court of Human Rights found that Greece had violated the right of an asylum seeker to respect for his private life, due to the failure of the Greek authorities to deal effectively with his asylum application. The applicant had waited for the asylum appeal decision for 12 years.

18. Furthermore, the European Court of Human Rights has handed down various decisions concerning the inhumane and degrading detention conditions of migrants in Greece, such as in *Horshill v. Greece*[6] and *Sakir v. Greece*,[7] furthermore stating that no effective remedy had been available to complain about the conditions of detention. In *Mahammed and others v. Greece*, it additionally found shortcomings in the procedure reviewing the lawfulness of the applicants' administrative detention.[8]

## B. National legal, institutional and policy framework

### 1. Legal framework

19. In this section, the Special Rapporteur will touch only upon legislation introduced following his first country visit to Greece in 2012. Since then, there has been a significant degree of reform in relation to the legal framework concerning the human rights of migrants within Greece.

20. Law 3386/2005 was amended by Law 4521/2014 which was enacted to transpose into Greek law Directive 2011/98/EU and Directive 2014/36/EU. Law 3386/2005 is the main law governing migration. Law 4521/2014 has since been amended by Law 4332/2015.

21. Under article 121 of Law 4249/2014, irregular entry into Greece has been defined as a penal offence. The Public Prosecutor has the option, within 48 hours of an irregular entry, to press charges against or to abstain from pressing charges against the individual entering in an irregular manner.

22. Law 4375/2016 was adopted under an urgent procedure on 31 March 2016 and entered into force on 3 April 2016, to transpose into Greek legislation the provisions of Directive 2013/32/EU and Directive 2013/33/EU, as well as to transpose legal reforms needed for the implementation of the European Union-Turkey statement of 18 March 2016. Law 4375/2016 introduces a considerable number of changes to the institutional framework, the first reception procedures, the asylum procedure, the labour rights of beneficiaries of international protection and to the management of refugees entering Greece.

23. The asylum procedure is governed by a twofold legal framework under Presidential Decree 114/2010 for claims lodged before 7 June 2013 (the "old procedure") and Presidential Decree 113/2013 for applications filed after that date (the "new procedure"), which were repealed by Law 4375/2016. Law 4399/2016, adopted after the Special Rapporteur's visit, provides further provisions on the asylum procedure.

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[4] *Sharifi and others v. Italy and Greece*, European Court of Human Rights, No. 16643/09, 21 October 2014.

[5] *B.A.C. v. Greece*, European Court of Human Rights, No. 11981/15, 13 October 2016.

[6] *Horshill v. Greece*, European Court of Human Rights, No. 70427/11, 1 November 2013.

[7] *Sakir v. Greece*, European Court of Human Rights, No. 48475/09, 24 March 2016.

[8] *Mahammed and others v. Greece*, European Court of Human Rights, No. 48352/12, 15 January 2015.

24. While the Special Rapporteur recognizes that the introduction of new laws and amendments to existing legislation allowed for a quick solution to pressing issues, he urges the Greek authorities to harmonize the laws governing migration and asylum under one single act.

### 2. National policies and institutions

25. Under the Greek Action Plan (2010-2014), three new administrative services independent from the Hellenic Police have been established: the First Reception Service, the Appeals Authority and the Greek Asylum Service.

26. The Ministry of Migration Policy was established by Presidential Decree 123/2016 (National Gazette 208/A/2016) and oversees the Appeals Authority and the Greek Asylum Service. Furthermore, Law 4375/2016 establishes the Reception and Identification Service, as an autonomous directorate, to replace the First Reception Service within the Ministry of the Interior and Administrative Reconstruction. The Reception and Identification Service is under the mandate of the General Secretariat for Reception.

27. The Hellenic Police and border guards, under the Alternate Ministry of Public Order and Citizen Protection, remain responsible for the surveillance of land borders. The Hellenic Police is responsible for the detention of migrants in pre-removal detention facilities and for returns. The Hellenic Coast Guard is responsible for the surveillance of sea borders and for search and rescue at sea.

## C. Border management

### 1. Greece and the European Union: regional influence on national laws, policies and institutions in the sphere of migration management and border control

*"Hotspot approach"*

28. In response to the unprecedented numbers of migrants arriving in Europe irregularly, the European Agenda on Migration introduced the "hotspot approach" as the model of operational support for European Union frontline States. The European Union Regional Task Force coordinates actions of Member States and relevant European Union agencies, such as the European Asylum Support Office, Frontex and Europol, with the aim of swiftly identifying, registering and fingerprinting arriving migrants. Asylum applicants are referred to the national asylum procedure, where European Asylum Support Office teams support national authorities. Migrants who do not apply for asylum or whose application is rejected are returned with the support of Frontex. Europol and Eurojust assist the host Member State with investigations on smuggling and trafficking networks. In order to guarantee human rights protection at all steps of the process in the hotspots, the Special Rapporteur encourages incorporation of the European Union Agency for Fundamental Rights as an integral part of the European Union Regional Task Force.

*The European Union-Turkey statement*

29. On 18 March 2016, the European Union and Turkey decided that all new irregular migrants crossing from Turkey to the Greek islands after 20 March 2016 would be returned to Turkey. They explicitly stated that Turkey would be either a "first country of asylum" or a "safe third country", and that for every Syrian returned to Turkey from the Greek islands, another Syrian would be resettled in the European Union. Simultaneously, Turkey would take any necessary measures to prevent new sea or land routes for irregular migration from opening from Turkey to the European Union.

30. The Special Rapporteur was informed that all returns from Greece to Turkey before 1 June 2016 would be carried out under the Greece-Turkey readmission protocol. From 1 June 2016, the European Union-Turkey Readmission Agreement provisions on readmission of third-country nationals would be enforced.

31. The Special Rapporteur is concerned that the European Union-Turkey statement constitutes a political "deal" without mandatory value in international law. Its legal basis is

undetermined and it cannot be legally challenged in courts. Despite its effects, the European Court of Human Rights has determined it to be non-reviewable.[9] Greece was put under considerable pressure to implement provisions from the statement well before its entry into force and to apply maximum constraints on migrants, in order to achieve the objective of returning most migrants to Turkey. Therefore, 13 out of the 202 migrants returned on 4 April 2016 may have been mistakenly returned, as their asylum claims had not been registered.

*Financial implications*

32. Greece has been allocated €294.6 million under the European Union Asylum, Migration and Integration Fund and €214.8 million under the Internal Security Fund, for the period 2014-2020. Additionally, €356.8 million was granted for emergency assistance, whereas by mid-March 2017 €182 million was directly awarded to Greek authorities.[10] These budget allocations should fund reception centres on the islands, provide support for return operations, or fund temporary deployment of additional Greek staff or European Union Member States' national experts.

33. While the Special Rapporteur welcomes the support provided to Greece in order to ensure appropriate reception conditions, and additional capacity to process the increased number of asylum applications, he is concerned that the largest amount in terms of funding is allocated to preventing irregular migration and implementing the European Union-Turkey statement, which also funds deportations and voluntary returns. The European Union needs to ensure that the funded activities do not come at the expense of the human rights of migrants identified for readmission.

### 2. Rescue at sea

34. Following strict securing of borders on the land route, the main entry points to Greece are through sea routes.

35. In December 2015, Frontex initiated the deployment of 293 officers and 15 vessels to the Greek islands as part of a new operation named Poseidon Rapid Intervention, following Greek requests for additional assistance. This replaces Operation Poseidon Sea, and has a higher number of officers assisting with identifying and fingerprinting arriving migrants. Furthermore, it aims to provide Greece with additional technical assistance in order to strengthen its border surveillance, registration and identification capacity. At the time of the visit, Frontex had deployed 734 personnel, which included the crew of 13 vessels and two helicopters supporting Greece in patrolling the Aegean islands.

36. The Special Rapporteur was informed that the Hellenic Coast Guard focused on detecting boats early, leading to a decreasing number of deaths of migrants at sea, and resulting in the rescue of a considerable number of refugees and migrants under Operation Poseidon Sea. Since the European Union-Turkey statement, arrivals have decreased drastically, as a large number of the boats have been intercepted by Turkish coast guards in Turkish waters.

37. While the Special Rapporteur welcomes the renewal of sea operations, he insists that the primary focus of such operations should be search and rescue and not combating irregular migration.

38. According to the information received, the North Atlantic Treaty Organization currently assists Greece and Frontex through real-time information, intelligence, surveillance and reconnaissance operations in the Aegean Sea. The Special Rapporteur is highly concerned over the deployment of military operations in the context of migration

[9] *NF, NG and NM v. European Council*, Order of the General Court of the European Union (First Chamber, Extended Composition), 28 February 2017.

[10] European Commission, "Managing the refugee crisis: European Union financial support to Greece", 15 March 2017, available from https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/20170321_factsheet_managing_refugee_crisis_eu_financial_support_greece_-_update_en.pdf (accessed on 20 April 2017).

movements and stresses that, whatever the actors, the focus should remain exclusively on saving lives.

### 3. Reception and identification process

39. Migrants arriving on the Greek shore or rescued at sea are brought to the reception and identification centres for the registration and identification process, fingerprinting, and Eurodac registration conducted by the Greek police and assisted by Frontex.

40. The Reception and Identification Service and the police conduct a first interview to identify vulnerabilities. The European Asylum Support Office provides support in identifying persons who wish to apply for asylum. It also provides information on the relocation procedure and operational support to the Dublin Unit, and has provided infrastructure in terms of office space and equipment, as well as hundreds of interpreters to interpret from the languages of asylum seekers into English. Law 4399/2016 further enables European Asylum Support Office officials to conduct interviews of applicants on the merits in the context of the exceptional procedure applied at the border, with decisions taken by the Greek Asylum Service.

41. At arrival, Frontex also conducts debriefing interviews to gather intelligence on smuggling and trafficking networks, following which Europol runs second-line checks to identify possible smugglers and report them to the national authorities. The Special Rapporteur strongly recommends that adequate safeguards be put in place in order to ensure that these interviews take place on a strictly voluntary basis. Such interviews should not take place upon arrival, as often migrants are traumatized from the journey and such interviews may increase their fear of the authorities and lead them to hide protection needs, abuse suffered or vulnerabilities experienced.

### 4. Return

42. The European Union has funded an emergency forced return programme under the Asylum, Migration and Integration Fund, implemented by the Greek police. Frontex supports building return capacities through screening, facilitating cooperation with embassies, and coordinating detention and return flights.

43. The European Union's assisted voluntary return programme provides up to 1,000 migrants per year with the possibility of voluntarily returning to their countries of origin. Since 2010, with funding by the European Return Fund and the Greek authorities, the International Organization for Migration has implemented the assisted voluntary return of third-country nationals to their country of origin. By 18 May 2016, the International Organization for Migration had registered 3,024 migrants since the beginning of that year who wished to return to their country of origin.[11]

## III. Detention practices and legislation

### A. Pre-removal detention centres

44. According to Law 3907/2011, detention for third-country nationals for the purpose of return is applied when there are no other adequate and less restrictive measures and when: (a) there is a risk of absconding; or (b) the third-country national avoids or hampers the preparation of return or the removal process; or (c) there are reasons of national security. Law 3907/2011 allows for a maximum period of detention of 18 months.

45. At the time of the visit, around 1,200 migrants were held in pre-removal detention centres, in Petrou Ralli, Amygdaleza, Corinth, Xanthi, Paranesti and several police stations across the country.

[11] See www.iom.int/sites/default/files/situation_reports/file/Europe-Med-Migration-Response-Sitrep21-19May.pdf.

46. At the Elliniko Pre-Removal Centre for Migrant Women, very few activities are offered to the migrants. Health care is insufficient as there is no doctor present on site, and detainees complained about inadequate health care, particularly those with mental health issues. Furthermore, it was reported that dietary requirements and secondary health-care needs were not taken seriously.

47. Most detainees in the Elliniko Pre-Removal Centre for Migrant Women expressed their wish to apply for asylum or to register for assisted voluntary return. However, they were lacking information about the next steps in the procedure and complained about delays in the procedure. Most of them had been in detention for six months or longer, whereas it is stated in Law 4375/2016 that the detention of an asylum seeker constitutes a ground for accelerating the asylum procedure. The Special Rapporteur is concerned that the delay in registering their claim for asylum puts them at potential risk of return in violation of the non-refoulement principle and he urges authorities to swiftly register and process asylum claims of detainees. Furthermore, he observes that Greek law provides for the possibility for the Greek Asylum Service to issue a recommendation to the police authorities regarding the continuation or the lifting of a detention order. He strongly encourages the implementation of alternatives to detention. It must be noted however, that according to information provided by the Greek Asylum Service in March 2017, the average duration for the examination of asylum claims of those detained in the Elliniko pre-removal centre was less than one month.

48. Alternatives to detention are often not considered by the Government, and an individual assessment mechanism to determine the necessity, proportionality and reasonableness of detention in each individual case in accordance with Law 3907/2011 is not consistently applied. The absence of an automatic periodic judicial review makes it difficult to determine the lawfulness of detention.

49. Detainees have the right to appeal and submit objections against their detention, as provided in article 76 of Law 3386/2005. However, legal aid in immigration detention facilities provided by non-governmental organizations (NGOs) is scarce due to funding shortages. Moreover, migrants in pre-removal detention centres are often unaware of their legal status and do not know about the possibility of challenging their detention.

50. Contact with the outside world is difficult for some detained migrants. Cell phones are confiscated and access to a phone is not guaranteed for those who do not have money to pay for calls themselves. This prevents detainees from obtaining information or evidence to substantiate their claims. Situations of anxiety, post-traumatic stress disorder or trauma may also make it difficult for detainees to understand their rights, thus in fact preventing them from making effective use of existing review mechanisms. As there is no reason for preventing migrants from communicating with family, friends, lawyers, consular services or any other person, prohibiting cell phones can have a profound effect on their mental health and is utterly unnecessary. The practice should be abolished.

## B. Detention upon arrival

51. Under article 14 of Law 4375/2016, new arrivals are subject to a restriction on their freedom of movement: within the premises of the reception and identification centres on the Aegean islands or in Evros. While the provision does not refer to detention, the Special Rapporteur observed that there was a de facto systematic detention of migrants. Furthermore, at the time of the visit, detention often lasted longer than the legally prescribed 25 days during which time migrants are not able to leave the centre. Information provided after the visit indicates that it now lasts less than 25 days. Detainees must be informed, in a language they understand, of the reasons for their detention and their rights, including the right to challenge their detention and the right to legal aid. As migrants detained in the hotspots do not receive a detention order, challenging the detention decision is impossible.

52. The Special Rapporteur deeply regrets the policy of increasing the use of detention of persons irregularly entering Greek territory, including unaccompanied children and families. Measures must be taken to ensure a proper individual assessment of all migrants

in order to identify vulnerabilities, with a determination of the limited number of migrants for whom detention is necessary, the reason why it is necessary, and the immediate release all the other migrants with an appropriate status.

53. At the time of the visit, there were around 8,556 migrants held in reception and identification centres and open reception centres on the Greek islands of Chios, Samos, Lesvos, Kos and Leros, while the facilities had a capacity of 7,450 places.[12] The overcrowded conditions in Moria in Lesvos, and in Vathy in Samos, were particularly shocking: Moria was housing around 3,000 people, with a capacity for only 2,000, and in Vathy only one part of the camp was open, with capacity for 250 people, however on the day of the visit it was housing up to 950 migrants, including families with children. At the end of February 2017, the number of migrants on the islands stood at 13,053, despite a capacity of 9,014 — further exacerbating the situation.[13] While recognizing the improvements made or planned by the Greek authorities over time, the Special Rapporteur still urges the Government to immediately transfer migrants to more suitable structures.

54. Mandatory detention upon arrival, coupled with uncertainty over the future, leads to an immeasurable amount of confusion, frustration, violence and fear among the migrants held in the reception and identification centres on the Greek islands. Since the implementation of the European Union-Turkey statement, there have been regular demonstrations and violent riots in the camps, fights between different groups of migrants, attacks on tents and on containers, and attempted suicides. The Special Rapporteur visited the Vathy reception and identification centre on Samos following a night of fighting, which left behind shattered tents and containers, pools of dried blood, several persons injured and families with small children completely traumatized, and left single females feeling unsafe. In the absence of a camp manager, no one felt responsible for the situation. The Special Rapporteur was informed that the police had failed to intervene, as they were scared of being outnumbered.

55. The Special Rapporteur is deeply concerned about inadequate detention conditions and the chaotic situation in the reception and identification centres, the blatant overcrowdedness, with a mix of families and young single males, the absence of many government services during the weekend, the lack of policing, and the insufficient procedural safeguards in the detention facilities.

# IV. Reception conditions

56. At the end of February 2016, existing official accommodation barely met the needs of the growing migrant population. Greece had to swiftly shift its approach from short-term assistance for persons in transit, with a capacity of less than 2,500 places, to long-term accommodation. At the time of the visit, the European Union provided €83 million under the Emergency Assistance Instrument to improve material conditions for migrants and refugees in Greece, with funding made available immediately to UNHCR and NGOs. On 9 September 2016, the European Commission announced another €115 million under the Emergency Support Instrument.[14] As mentioned above, the Government of Greece was awarded €182 million by mid-March 2017.

## A. Reception conditions on the Aegean islands

57. Conditions in the reception and identification centres and the open camps on the Aegean islands are particularly worrying, due to the seriously overcrowded facilities. The reception and identification centres lack sufficient sanitary facilities, adequate food and health care. Despite emergency heated housing during the winter, migrants, including

[12] See https://data2.unhcr.org/en/documents/download/47586.
[13] See https://data2.unhcr.org/en/documents/download/53821.
[14] See http://europa.eu/rapid/press-release_IP-16-2986_en.htm.

families with small children, are mostly housed in tents and communal barracks, leaving them exposed to all weather conditions.

58. The Special Rapporteur notes the lack of a system to detect vulnerabilities. He was informed that segregated sections were provided to host families with children, single women and women with children. However, in practice, he saw families, single females, elderly people and unaccompanied minor children living in common areas, leading to an increased feeling of insecurity, with migrants complaining about the lack of privacy and security. An accurate and effective individual assessment mechanism would prevent vulnerable groups, such as children, especially if unaccompanied, from being detained in such conditions.

59. On Lesvos, provisions are put in place for vulnerable migrants to be transferred to the open camp of Kara Tepe or to the Greek mainland. However, due to slow and inefficient screening procedures, and with limited capacity to host all of the population in need, many migrants who belong to a vulnerable group remain in Moria. The Special Rapporteur was informed that only cases that seem to be able to prove their vulnerability through a health professional's screening assessment are identified as vulnerable by the Reception and Identification Service.

## B. Reception conditions on the mainland

60. Following the border closure in February 2016, the urgent need for housing led to the establishment of additional accommodation centres; in parallel, several informal settlements developed in public squares. When the European Union-Turkey statement took effect, around 9,000 persons were stuck in the Greek capital and its surroundings. In the Olympic stadiums in Elliniko — visited by the Special Rapporteur — more than 4,000 people, most of them families with children, were sleeping in tents on the concrete floor, most of them in the former airport terminal waiting areas.

61. At the same time, more than 10,000 migrants, including families with children, lived in the informal camp settlement in Idomeni, at the border with the former Yugoslav Republic of Macedonia, in small tents in open and dismal conditions. Among the inhabitants were many vulnerable migrants, such as unaccompanied minors, persons with physical and psychosocial disabilities and elderly migrants, without adequate protection. Frustrations and insecurity over the future led to conflict and violence between individuals and the neglect of children. Money, or services such as access to Skype, were often earned through sexual favours.

62. The Special Rapporteur commends the Greek authorities for swiftly responding to the immediate need for shelter. The Hellenic Army opened and equipped around 30 camps by the time of the visit and 15 more were planned. The Greek authorities have tried to persuade thousands of refugees and migrants to move to the army-built camps around the country, sometimes with the ultimatum of moving voluntarily within two weeks or being removed by force. The Special Rapporteur received information that the main criteria for migrants to move would include proximity to a city or town, Wi-Fi, registration possibilities for the asylum procedure, access to the camp being granted to civil society organizations (and not only to the Hellenic Army), activities and education for children, and social support and health care for adults and children. Creating trust between migrants, government officials and other actors is of the utmost importance. "Warehousing" migrants will not respond to their needs.

## C. Overall concerns on reception and accommodation facilities

63. Serious overcrowding in reception and identification centres and official and unofficial camps on the mainland, substandard living conditions, and a lack of adequate food, health care and information have led to anxiety, depression, confusion and frustration among the migrant population both on the mainland and on the islands. Hunger strikes, violent confrontations and threats of self-immolation occur across the country. The Special Rapporteur observed an overwhelming insecurity, due to a lack of proper policing within

the open reception centres and closed detention facilities. At the time of the visit, the lack of sufficient interpretation and legal services was leading to additional confusion about procedures and migrants' rights.

64. Access to a medical doctor and medical staff is insufficient, particularly for vulnerable groups in need of highly specialized medical assistance. The Special Rapporteur observed a lack of secondary health care: people with diabetes or chronic diseases find it difficult to access appropriate medication. Specialized services required for mental health care or for torture victims are insufficient in most of the places of accommodation. Accessibility of drugs and medical examinations is challenging, as the public health system is overwhelmed. In addition, there are barriers to effective access to health care, when cultural sensitivities are not taken into account or because of a lack of interpreters.

65. The Special Rapporteur observed the absence of separate living spaces for single women, families and unaccompanied minors, leaving women and children at heightened risk of abuse. Sanitary facilities and showers are insufficient and the Special Rapporteur heard of accounts of sanitation facilities without adequate lighting at night or locks on doors, with female camp residents being scared to use the facilities at night.

66. The lack of appropriate food in sites is a protection concern that affects the nutritional needs of the most vulnerable, including children, the elderly and pregnant women. Parents of small babies complained about the lack of food and formula, and specific dietary requirements were not made available in all of the places visited.

67. Despite the goodwill of many actors, their roles were often unclear, which led to organizational issues, confusion and wrong perceptions of responsibilities among migrants and refugees. The Special Rapporteur is particularly concerned over the lack of contingency planning and of proper and organized camp management. He underlines the need for effective and professional camp management, in order to ensure proper coordination and rationalization of all activities by all actors, thus avoiding loss of control and overwhelming confusion, and to ensure non-discrimination among nationalities, which is needed to build trust by promoting equality and fairness in accessing services.

## V. Access to international protection

### A. The steady growth of the Greek Asylum Service

68. The Special Rapporteur acknowledges efforts to strengthen the Greek Asylum Service over the past three years; it has opened seven regional asylum offices and 10 asylum units, providing substantial regional coverage.

69. The intake of asylum seekers by Greece in 2016 was one of the highest in Europe. At the time of the visit, the Asylum Service was not in a position to cope with the 50,000 applications for asylum, family reunification and relocation in one go, which posed problems in regard to access to international protection and regularizing the stay of asylum seekers.

70. In 2016, the Asylum Service registered 51,092 applications for international protection.[15] The asylum system is governed by a twofold principle: the "old procedures" under Presidential Decree 114/2010, under the responsibility of the police, and the "new procedures" under Presidential Decree 113/2013, repealed by Law 4375/2016 in line with the recast European Union asylum directive and amended by Law 4399/2016. The presence of many different laws, with different authorities dealing with asylum claims, makes the asylum system difficult to navigate.

71. The Special Rapporteur was informed that the Asylum Service was to significantly increase its capacity by the end of June 2016 and increase the processing of asylum claims from 80 to 640 claims per day. The average decision rate of the Asylum Service for 2016

[15] See http://asylo.gov.gr/en/?page_id=110.

(for refugee status determination, for negative decisions, for subsidiary protection, and on the admissibility procedure) was 2,032 decisions per month.[18] By early 2017, the number of trained staff of the Asylum Service had nearly tripled. In order to guarantee effective access to the asylum procedure, the Special Rapporteur urges the Asylum Service to further increase its capacity with trained staff, so that migrants have quick access to the procedure, with due regard to the need to maintain the quality of the asylum procedure. Furthermore, increased capacity would reduce the overcrowded situation on the islands by allowing transfers of asylum seekers to the mainland. The Special Rapporteur was informed by the Government that by early 2017, the number of trained staff in the Asylum Service had nearly tripled and the average duration of the asylum procedure at first instance was 72 days.

72. At the time of the visit, the Asylum Service had initiated a pre-registration exercise for asylum seekers on the mainland, for them to register their interest to apply for asylum, to provide them with information and asylum seeker documents providing protection from deportation and to give access to services. The Special Rapporteur notes that the pre-registration operation had been successfully completed by August 2016, and pre-registered asylum seekers had been fully registered by the end of February 2017, had received interview appointments and had the right to work.

73. In order to improve access to the different procedures, the Asylum Service inaugurated a new system to make appointments by registration through Skype. The Special Rapporteur observed some serious flaws in the Skype-based system, such as limited time slots allocated for specific languages. The system fails to take into account the insufficient computer skills of applicants and the lack of access to equipment or access to the Internet, especially for those in open centres on the Greek mainland. In order to help address those weaknesses, the Asylum Service is cooperating with NGOs that provide assistance to asylum seekers.

74. The Special Rapporteur is seriously concerned about obstructions in accessing international protection and observes that the lack of an effective and quick registration system puts migrants at risk of arrest, detention and deportation. At the time of the visit, no free legal aid system was in place for Greece, and NGOs providing legal assistance had only limited capacity. He notes that in mid-2016, a free legal aid system had been put in place by UNHCR and NGOs with funding provided by the European Union.

75. Article 51 (6) of Law 4375/2016 provides that asylum applications from vulnerable persons may be registered and examined as a matter of priority. In the absence of a functioning system to detect vulnerabilities, it is uncertain whether this provision could always be applied. The Special Rapporteur was informed however, that the Reception and Identification Service, as well as UNHCR and NGOs, refer vulnerable persons to the Asylum Service. In addition, if at any stage of the asylum procedure vulnerability is detected, examination of the claim is immediately prioritized.

## B. Access to information

76. Because of the changes that the European Union-Turkey statement had triggered in the complex asylum procedure, the Special Rapporteur observed a lack of access to information on the rights of migrants and on procedures, and timelines for applying for protection remained unclear. The Special Rapporteur has been informed that, since then, serious efforts have since been undertaken, in cooperation with the Reception and Identification Service, UNHCR and NGOs, to address this, with the enhancement of the website of the Asylum Service and of its social media accounts, and the creation of an app for mobile phones. Leaflets have been printed and disseminated to the reception and identification centres and open reception facilities. Such efforts should be pursued.

77. In the absence of central coordination, and with the multiplication of different actors in the camps, much misinformation circulates, which creates confusion and mistrust among

[18] Ibid.

the migrants. Furthermore, various levels of bureaucracy make the process incomprehensible to most. People receiving the wrong information may make harmful decisions, being unaware of the consequences. Given the complexity of the procedures, and the constantly changing legislation and practices, as well as the bureaucratic hurdles, access to information and legal assistance for migrants seems all the more important.

## C. Lack of due process guarantees

78. Law 4375/2016 extends the criteria for an asylum application to be inadmissible and defines exceptional derogation measures that can be applied in case of an exceptional number of persons applying for international protection at the border. These provisions raise serious concerns over due process guarantees.

79. An application is considered inadmissible for a number of reasons, including the existence of a "first country of asylum" or a "safe third country", whereas Greece has never applied the concept of a "first country of asylum". Vulnerable groups are exempt from the inadmissibility procedure.

80. The Special Rapporteur was informed about certain nationalities being processed as a priority and is concerned that discrimination based on nationality undermines the right to due process, as it hinders persons belonging to a specific nationality from accessing the asylum system, family reunifications or relocations. The procedure's priorities should not be based on one's nationality, but rather on vulnerabilities. The Special Rapporteur was informed that, by the end of 2016, all asylum applications were being processed strictly on the basis of the date of arrival, taking into account vulnerabilities and objective factors such as availability of interpretation.

81. Admissibility decisions issued are consistently short, qualify Turkey as a safe third country and reject the application as inadmissible: this makes them practically unreviewable. The Special Rapporteur is concerned that admissibility interviews will overlook protection concerns, including those of vulnerable groups, and that people may be returned in violation of the non-refoulement principle. The Special Rapporteur was informed that between May 2016 and March 2017, of the 27,000 asylum applications that had been made, only 1,609 were rejected on the basis of the "safe third country" principle and another 2 414 were rejected on their merits.

82. Derogation measures, on the other hand, include the registration of applications by the police and armed staff and the possibility of officials of the European Asylum Support Office supporting national authorities. Law 4375/2016 specifies that the process shall be completed within 15 days including the appeal stage, which raises concerns over access to an effective remedy, despite the support of NGOs. The Special Rapporteur is concerned that asylum seekers may not be granted a fair hearing of their case, as their claims are examined under the admissibility procedure, with a very short deadline to prepare. Provisions under the fast track regime are problematic due to the lack of individual assessment of each case, and the risk of violating the non-refoulement principle is consequently very high.

83. Competent lawyers and NGOs should be able to have access to migrants in reception and identification centres and open camps. Despite legal assistance being available for the second instance of the asylum procedure, the Special Rapporteur encourages allocation of the necessary resources for capacity-building and for local lawyers and bar associations to be able to offer properly paid services from the start of the procedure.

## D. Appeals Authority

84. The Special Rapporteur welcomes the continuing work of the Appeals Committee mandated to deal with the backlog of appeals lodged under the "old asylum procedure". In

2013, 51,000 appeals were outstanding, as compared to 8,075 in September 2016.[17] Law 4375/2016 provided for the automatic regularization of applicants who lodged their appeal up to five years before the publication of Law 4375/2016. Greece should continue its efforts to clear the backlog, in order to ensure applicants the right to an effective remedy.

85. With the European Union-Turkey statement taking effect, the Backlog Appeals Committee was mainly examining appeals concerning the admissibility procedures in the reception and identification centres. The Special Rapporteur commends the independence of the Committee, which, in the absence of sufficient guarantees, refused to accept the blanket statement that Turkey is a safe third country for all migrants — despite enormous pressure from the European Commission — and overturned first-instance decisions accordingly. By December 2016, it had overturned close to 400 decisions and upheld only 17 decisions from the first instance.[18] With such a ratio, the Special Rapporteur urges first-instance decision makers to properly examine admissibility criteria.

86. The Special Rapporteur notes that Law 4375/2016 brings about several improvements, such as the provision of free legal aid and longer deadlines to appeal, with appeals having an automatic suspensive effect against return orders. He urges the authorities to take the necessary steps to ensure the right to free legal aid for all applicants.

87. The Special Rapporteur notes that, following his visit, Law 4399/2016 was approved by the Greek Parliament, on 16 June 2016, modifying the composition of appeals committees. The new appeals committees are responsible for examining all appeals against decisions of the Greek Asylum Service lodged since 20 July 2016. The Special Rapporteur urges the Government of Greece to put the Appeals Authority into full operation, in order to avoid any further accumulation of a backlog and to ensure effective access by migrants to a remedy.

## VI. Cross-cutting concerns

### A. Xenophobia and violence against migrants

88. During his follow-up visit, the Special Rapporteur noted that there were five new special prosecutors for racist crimes. Furthermore, he was informed that Parliament had been suspending State financing of political parties whose officials had been provisionally detained for racist crimes, and the trial of members of the far-right Golden Dawn party was ongoing. He also noted that the National Board against Racism and Intolerance and new police units and offices had been established to investigate acts of racist violence. A hate speech monitoring mechanism remains to be implemented.

89. Civil society efforts have been commendable, local authorities have provided much-needed support, and local populations must be congratulated for their hospitality, their donations and their patience. Well aware that the Greek population is under austerity measures, the Special Rapporteur commends the generosity reflected in large donations of medication, clothes and food items. However, he also noted concerns over what would happen if the atmosphere changed and turned against refugees and migrants. Following his visit, he received worrying news about increases in racist and xenophobic attacks against migrants, exacerbated by the economic crisis in Greece, and he urges Greek authorities to decisively implement the national policies on interculturalism and on combating discrimination, xenophobia and racism.

[17] European Commission recommendation, 8 December 2016, available from https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20161208/recommendation_on_the_resumption_of_transfers_to_greece_en.pdf.

[18] Ibid.

## B. Children

90. More than one third of the migrant population in Greece are children. Conditions in closed facilities in reception and identification centres are deplorable, leaving children at heightened risk of abuse, neglect, violence and exploitation. Alternatives to detention, in the form of open shelters for families and unaccompanied minors, with appropriate counselling and services, must be established as a matter of urgent priority.

91. However, at the time of the visit, even open reception facilities in Greece were ill equipped to adequately host the large number of refugee children with a variety of needs for support and protection, care, education and access to food, for a prolonged period. The substandard conditions in camps expose them to risks of chest infections, hypothermia and diarrhoea.

92. The Special Rapporteur welcomes the elaboration of the National Action Plan for Children's Rights, under the coordination of the General Secretariat for Transparency and Human Rights. The action plan should address emerging challenges in regard to children's rights in the context of the economic and refugee crises.

93. At the time of the Special Rapporteur's visit, migrant and refugee children did not have access to schools, resulting in long-term gaps in their education, as the majority of children had been out of school for far longer than their journey to Europe. The Special Rapporteur welcomes measures taken following his visit that provide for the enrolment of migrant children in the national education system or for the creation of school annexes dedicated to migrant and refugee children.

### 1. Unaccompanied minors

94. The Public Prosecutor acts as the temporary guardian of an unaccompanied minor, until a permanent guardian can be selected. Because of the large number of children entrusted to his office, the Public Prosecutor is not able to act effectively in the interest of migrant children, which has huge implications for all aspects of the protection and exercise of unaccompanied minors' rights.

95. The Special Rapporteur welcomes the Government's proposals to develop a more structured system of guardianship for unaccompanied minors. Guardians need the necessary professional training, experience, expertise and competence, as well as appropriate support and resources. The best interest of the child depends on the guardian being able to make the best and quickest decisions possible on all matters of concern. The Special Rapporteur commends the efforts of civil society to provide volunteer guardians to unaccompanied migrant children and notes that policy development is in the works.

96. In order to decide on the appropriate procedure, age assessment is required. The Special Rapporteur has been informed that in the reception and identification centres, age assessment is often carried out by NGOs. In case of doubt, the person concerned is referred to the hospital. According to ministerial decision 1982/2016, age assessment is determined by a macroscopic medical examination.

### 2. Family reunification

97. The Special Rapporteur was informed that a large number of unaccompanied minors have family in another European Union Member State. Consequently, in their attempt to avoid detection, children are repeatedly exposed to exploitation and violence, which is particularly apparent during their repeated attempts to reach another European country irregularly.

98. The Special Rapporteur was informed that the Dublin procedure is often lengthy and that it may take 15 to 18 months for children to be reunited with their family members, due to DNA tests required by the receiving States. This is unacceptable and the procedure should be shortened.

### 3. Protective custody

99. Due to a shortage of suitable accommodation or of a comprehensive protection system for child asylum seekers and migrants, children are often detained in "protective custody", in reception and identification centres, or in police stations or pre-removal centres under police custody, while awaiting referral to an adequate shelter facility, which often takes longer than the 45 days prescribed by law.

100. The number of shelter places available for unaccompanied minors is drastically below needs. The Special Rapporteur was informed that there were 347 shelter spaces for unaccompanied minors as of 8 March 2016, and 119 unaccompanied minors were waiting to be placed in a shelter. By mid-February 2017, the number of unaccompanied minors was 2,100, while the available shelters could only accommodate 1,310.[19]

101. The Special Rapporteur met with unaccompanied minors, detained in a separate section in the Moria Reception and Identification Centre and welcomes the information that many were transferred to shelters between his visit and March 2017. Some of them were seriously traumatized and reported bullying and incidents of violence, without protection from the supervising authorities. On the mainland, the Special Rapporteur met unaccompanied minors locked in police station cells 24/7 without access to the outdoors for over two weeks and without any recreational or educational activity. He was informed that some may stay for a month or more.

102. Children in "protective custody" lack access to interpreters, to legal assistance, and to information presented in a child-friendly manner, and hence are not aware of their reason for detention, of the next steps in the process and of their rights. Most of them face serious mental health issues, with a particularly high number of suicide attempts. Psychological services are often not available, although some local NGOs provide such services.

103. Overall, as determined by the Committee on the Rights of the Child, administrative detention based on the immigration status of the child or of his or her parents can never be in the best interest of a child. Given the incalculable detrimental effects that detention has on children's mental and physical health and development, it is utterly unacceptable for children to be detained simply because of an administrative status.

104. Regardless of the conditions in which children are held, detention has a profound and negative impact on child health and development. Even short periods of detention can undermine a child's psychological and physical well-being and compromise cognitive development. The threshold at which treatment or punishment may be classified as cruel, inhuman or degrading is therefore lower in the case of children, and in particular in the case of children deprived of their liberty.

## VII. Role of the European Union

105. While responding to the urgent needs of migrants within Greece, the country is simultaneously under pressure to implement austerity measures, which have severe consequences on the Greek people. It is therefore critical that the responsibility be shared, that international obligations be upheld, and that the human rights of all be protected.

106. The "migration crisis" is not simply a political problem: the full measure of the constitutional, European and international frameworks applies. Although the European Union adopted two decisions in 2015 to relocate at least 66,400 persons from Greece, the Special Rapporteur notes that relocation remains a big challenge. As at 27 February 2017, only 9,610 transfers had taken place.[20] Unfortunately, the behaviour of many actors in the European Union, and especially in European Union Member States, seems to indicate that they consider human rights and the rule of law to be dispensable in regard to migrants under these circumstances. The Special Rapporteur urges the European Union to urgently

[19] See https://data2.unhcr.org/en/documents/download/53990.

[20] See https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170302_tenth_report_on_relocation_and_resettlement_annex_1_en.pdf.

relocate unaccompanied minors, even if, because of their nationality, they are not eligible for the relocation programme, and encourages Member States to process requests for family reunions swiftly.

107. A coherent, European Union-wide approach is needed, with a long-term vision for migration and mobility, which sees European countries offering safe and regular channels for mobility for refugees and for migrants. The challenge for all actors is to find appropriate policies for responding to the migration movements without infringing on the human rights of migrants or shunning the rule of law.

# VIII. Conclusions and recommendations

108. **Greece has made commendable progress in implementing the revised Action Plan on Asylum and Migration Management and in working jointly with the European Union and other international partners to improve the situation of migrants in Greece.**

109. **The Special Rapporteur proposes detailed recommendations to the Government, in sections A to E below:**

## A. Normative and institutional framework for the protection of the human rights of migrants

110. **Develop and implement a long-term comprehensive migration strategy that has the human rights of migrants and refugees as its framework. Pursue close collaboration and coordination with international organizations such as UNHCR, the International Labour Organization (ILO), the Office of the United Nations High Commissioner for Human Rights and civil society to protect and promote the human rights of migrants and refugees in elaborating and implementing this strategy. Ensure that migrant integration, through language and work, is central to such a strategy.**

111. **Implement and fully respect regional and international human rights obligations and uphold the rule of law in favour of all migrants in the implementation of its migration policies.**

112. **Reinforce, with competent staff and resources, human rights institutions, such as the National Commission for Human Rights and the Office of the Ombudsperson, in order to allow them to effectively carry out their mandate, including the oversight of all detention centres for migrants.**

113. **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which would provide the Government of Greece with a useful framework for managing migration while ensuring full respect for the human rights of migrants.**

114. **Ratify the ILO Labour Inspection (Agriculture) Convention, 1969 (No. 129), Migration for Employment Convention (Revised), 1949 (No. 97), and Domestic Workers Convention, 2011 (No. 189), to ensure full protection against forced labour for all categories of workers, and effective oversight of labour conditions.**

## B. Border management and returns

115. **Implement a human rights-based approach to border management, ensuring that the rights of migrants are always the first consideration.**

116. **Fully adhere to its human rights obligations, including to the principle of non-refoulement, for example through the prevention of pushbacks.**

117. **Train local fishermen in search and rescue operations, and support commercial vessels to carry out rescue operations in exceptional circumstances without running**

the risk of retaliation or harassment for being considered accessories to smuggling operations.

118. Provide clear instructions and rules for the Hellenic Police and the Reception and Identification Service on how to deal with migrants who have just crossed the border and on how to systematically conduct individual screening to determine if the person has protection needs.

119. Ensure full respect of the human rights of migrants in relation to implementation of all readmission agreements concluded.

120. Ensure that migrants have full access to lawyers and interpreters in order to appeal return decisions and prevent the refoulement of persons in need of protection.

## C. Reception facilities

121. Urgently consider alternatives to detention for all migrants, and especially unaccompanied minors and families with children. Detention should only be ordered in exceptional circumstances, as provided in Law 4375/2016, article 46, and in the European Union Returns Directive.

122. Conduct individual assessments of the limited number of migrants for whom detention is necessary and provide documentation of the individualized reasons why it is necessary.

123. Strictly refrain from detaining unaccompanied minors or families with children, in conformity with the principles of the best interests of the child and of family unity.

124. Further improve detention conditions and procedural safeguards, and develop appropriate regulations for all detention facilities, in line with international human rights standards.

125. Ensure full access to all detention facilities for lawyers and civil society organizations, and continue to ensure a system of systematic, independent monitoring of detention centres.

126. Provide appropriate detention conditions in all centres, including in pre-removal centers, and ensure that all migrants deprived of their liberty are able to promptly contact their family, to have access to a lawyer who should be free of charge if necessary, to seek asylum if the migrant requests it, to have access to a doctor and to an interpreter as necessary, to have access to their mobile phones, and to have the capacity to promptly challenge their detention.

127. Ensure that standards in all facilities in which migrants are held meet the standards established by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment ("CPT standards", 2013 revision) addressing specifically the special needs and status of migrants in detention, and by the Standard Minimum Rules for the Treatment of Prisoners.

128. Ensure, in cooperation with regional and international partners, more appropriate long-term accommodation arrangements, and urgently establish decent living conditions in all reception and detention centres for migrants and asylum seekers by providing adequate health-care services, food, and sanitary conditions.

129. Provide clear and systematic information regarding all migration policies to all stakeholders, including migrants themselves and all those who have a responsibility to promote and protect the human rights of migrants, such as government officials, international organizations, civil society and lawyers. Provide human rights training to all government officials working with migrants, especially those who receive them at borders and in detention.

130. Appoint camp management immediately for every hotspot and every open camp, in charge of coordinating activities of all actors and protecting the human

**rights of all migrants. Provide clear and public information about the authority of the management at the central level.**

## D. Asylum seekers

131. **Streamline the various laws governing the asylum procedures in one single act, and pursue efforts to provide clarity regarding all procedures related to regularizing migrants.**

132. **Pursue efforts to ensure that all detained persons claiming protection concerns are adequately informed of their right to seek asylum and are able to file an asylum application and communicate with the Greek Asylum Service, lawyers and civil society organizations.**

133. **Pursue efforts to guarantee effective and timely access to the asylum procedure, ensuring an individual assessment of each applicant's claims. To that end, ensure that sufficient asylum offices are opened and that sufficient and trained staff for the Reception and Identification Service and the Asylum Service are available.**

134. **Pursue efforts to provide and distribute information in a language that the migrants understand, in writing and orally, informing the migrants about all their rights and all the protection mechanisms. This should be provided by qualified and trained staff and should cover all aspects of the procedural steps concerning the asylum procedure, the relocation scheme, family reunification, and their possible implications.**

135. **Take appropriate measures to ensure a proper individual assessment of all migrants in order to identify vulnerabilities, so that their needs can be addressed immediately and appropriate procedures can be initiated.**

136. **Provide information notes about the rights and obligations of all migrants who arrive, and use effectively the individual assessment carried out for detecting vulnerabilities in order to provide better-structured information. Provide prompt access to legal aid and to an interpreter, to all detained migrants.**

137. **Continue to ensure due process guarantees in the asylum procedure, with guarantees of a fair hearing, effective remedies, non-refoulement and non-collective expulsion.**

138. **Allocate the necessary resources for capacity-building and for local lawyers and bar associations to be able to offer properly paid services from the start of the procedure.**

## E. Cross-cutting concerns

139. **Criminalize the dissemination of ideas based on racial superiority and prohibit organizations that promote and incite racial discrimination.**

140. **Investigate all cases of xenophobic violence and attacks against migrants, including any law enforcement involvement in these crimes. In order to undertake proper investigations, irregular migrants must be able to report these crimes without risking detention: a "firewall" needs to be established between the office of the public prosecutor in charge of such crimes and immigration enforcement authorities.**

141. **Initiate strong public discourse on social diversity and inclusion, which stresses the importance of fighting discriminatory behaviour and attitudes towards marginalized persons and groups, including migrants, regardless of their administrative status.**

142. **Conduct public campaigns on racism and xenophobia and, in cooperation with international organizations and civil society, include human rights education and awareness-raising in the educational curriculum of public schools.**

143. **Improve the human rights training of all persons working in the area of migration, including judges, lawyers, police officers, border guards, prison guards, and public and private detention officers.**

144. **Enhance support for civil society organizations that provide support to migrants, including through European funding.**

145. **Ensure that those who offer services, such as assistance to search and rescue operations, medical support, shelter and legal advice, are explicitly protected from prosecution under the facilitation directive.**

146. **Ensure full respect of the human rights of migrant children and give primary consideration to their best interests in all actions concerning them, regardless of their administrative status. In particular:**

(a) **Refrain from detaining children, whatever the circumstances, and provide them with appropriate accommodation, by significantly increasing the shelter capacity for unaccompanied minors;**

(b) **Systematically undertake age assessments to identify children, using the least intrusive measure, and ensure they are treated in accordance with their age; also establish due procedural guarantees in this respect, including the right to appeal;**

(c) **Implement the National Action Plan for Children's Rights, ensuring that all children are able to access education and health-care services, by involving all ministries concerned. Ensure access by all migrant children to the national health-care system, including for all the vaccinations they need. Ensure access by all migrant children to the national education system, making sure they can be enrolled in school as soon as possible.**

147. **Develop a national system for the protection of unaccompanied minors, giving primary consideration to their best interests in all actions concerning them, including by:**

(a) **Reinforcing the guardianship system, by appointing a guardian for each unaccompanied minor, as required by Greek law, and ensuring that guardians undergo the necessary professional training, have the experience, expertise and competence (such as social workers), and are appropriately supported with the necessary resources. Increase the number of social workers who can carry out the role of a guardian;**

(b) **Establishing a registry for guardians and the training of a specialized prosecutor for minors;**

(c) **Increasing the capacity for the reception of unaccompanied minors in appropriate, open and safe reception facilities, and facilitating their stay with foster families;**

(d) **Accelerating the family reunification procedure and assisting unaccompanied and separated children with family reunification under the Dublin III Regulation and relocation mechanisms.**

## F. Recommendations to the European Union

148. **Ensure that the full protection of the human rights of all migrants, regardless of their status, is the primary consideration for its support for Greek efforts in managing the movement of migrants entering European Union territory, and provide the necessary human and financial resources to fully and meaningfully support Greece. Further develop and implement a long-term comprehensive migration strategy, which has the human rights of migrants as its core framework.**

149. **Ensure that the human rights of all migrants concerned are the primary consideration in the implementation of the European Union-Turkey Readmission Agreement.**

150. **Create a clear, independent and permanent mechanism for a thorough ex post human rights impact assessment of the European Union-Turkey statement, which would cover all of its aspects. Such mechanism should capture the changing features of its implementation over time, especially considering the lengthy period that it takes for claims of constitutional or European Union human rights law violations to go to courts and tribunals.**

151. **Ensure an independent and thorough human rights impact assessment to overview how the European Union migration agenda, the European Union-Turkey statement and all future agreements on mobility and migration are carried out.**

152. **Establish and implement a European Union human rights accountability mechanism under all agreements such as the European Union-Turkey statement.**

153. **Enhance the role of the Fundamental Rights Agency by incorporating it in the European Union Regional Task Force, thereby ensuring that human rights are mainstreamed in all processes in the hotspots.**

154. **Encourage more sharing of solidarity and responsibility among European Union Member States in relation to borders, asylum and migration, and ensure quick implementation of the decisions on the relocation of asylum seekers from Greece, based on needs assessments rather than nationality. Ensure a quick response to requests for family reunification and provide assistance in facilitating it. Continue to invest in dignified reception conditions, especially for the most vulnerable.**

155. **Significantly increase the support provided to Greece for initiatives that improve the condition of migrants in the hotspots and in open reception facilities. Significantly increase the support to Greek departments and institutions working directly with migrants.**

156. **Support Greek authorities in providing alternatives to detention, especially in managing the hotspots that have turned into closed detention facilities.**

157. **Provide the Greek authorities with the necessary resources to support the efforts by Greece to put an end to the detention of unaccompanied migrant children and to ensure that there are sufficient and suitable alternatives to detention. Greece and European Union Member States should intensify efforts to relocate unaccompanied asylum-seeking children out of Greece, including through family reunification with family members living in other European Union countries through the Dublin III Regulation mechanisms, without delay and without consideration of status.**

158. **Support the Greek Asylum Service, the Reception and Identification Service and the Dublin Unit by allocating the necessary funds to increase their staff. Increase the support by other Member States for qualified human resources.**

159. **Continue the support, both technical and financial, for civil society organizations offering services and support to migrants, regardless of their administrative status.**

160. **Refrain from returning migrants to Greece under the Dublin mechanism, but allow asylum seekers to register their asylum claims in the country of their choice within the European Union, while supporting the countries receiving asylum claims with proportionate and adequate financial and technical support.**

161. **Support the European Network of National Human Rights Institutions, the European Network of Ombudsmen and the European Network of Ombudspersons for Children, in order to allow them to support their member institutions in providing full oversight of migration detention and service provision mechanisms.**